

# How likely is each ADR Process to deliver the specific benefit?

● = Very likely

◐ = Somewhat likely

○ = Unlikely

	Arbitration	ENE	Mediation	SC
<b>ENHANCE PARTY SATISFACTION</b>				
Help settle all or part of dispute	○ <sup>1</sup>	◐ <sup>2</sup>	●	● <sup>3</sup>
Permit creative/business driven solution that court could not offer	○	◐ <sup>2</sup>	●	◐ <sup>3</sup>
Preserve personal or business relationships	○ <sup>1</sup>	◐ <sup>2</sup>	●	◐ <sup>3</sup>
Increase satisfaction and thus improve chance of lasting solution	○ <sup>1</sup>	◐ <sup>2</sup>	●	◐ <sup>3</sup>
<b>ALLOW FLEXIBILITY, CONTROL AND PARTICIPATION</b>				
Broaden the interests taken into consideration	N/A	◐ <sup>2</sup>	●	◐ <sup>3</sup>
Protect confidentiality	◐ <sup>4</sup>	●	●	●
Provide trial-like hearing	●	N/A	N/A	N/A
Provide opportunity to appear before judicial officer	N/A	N/A	N/A	●
<b>IMPROVE CASE MANAGEMENT</b>				
Help parties agree on further conduct of the case	N/A	●	◐ <sup>5</sup>	◐ <sup>3</sup>
Streamline discovery and motions	N/A	●	◐	◐ <sup>3</sup>
Narrow issues and identify areas of agreement	N/A	●	● <sup>5</sup>	●
Reach stipulations	N/A	●	◐ <sup>5</sup>	●
<b>IMPROVE UNDERSTANDING OF CASE</b>				
Help get to core of case and sort out issues in dispute	◐	●	●	●
Provide neutral evaluation of case	●	●	○	◐ <sup>3</sup>
Provide expert in subject matter	◐ <sup>6</sup>	●	◐ <sup>6</sup>	◐ <sup>6</sup>
Help parties see strengths and weaknesses of positions	●	●	●	●
Permit direct and informal communication of clients' views	○	◐	●	○ <sup>3</sup>
Provide opportunity to assess witness credibility and performance	●	◐ <sup>7</sup>	◐ <sup>7</sup>	○
Help parties agree to an informal exchange of key information	○	●	◐ <sup>5</sup>	◐ <sup>3</sup>
<b>REDUCE HOSTILITY</b>				
Improve communications between parties/attorneys	○ <sup>1</sup>	●	●	◐ <sup>3</sup>
Decrease hostility	○	●	●	◐ <sup>3</sup>

## Notes

1. Arbitration may provide this benefit when the award triggers or contributes to settlement discussions.
2. ENE may provide this benefit when the parties use it for settlement discussions. Many of the court's ENE evaluators also have been trained as mediators.
3. Depending on the settlement judge's particular style, a settlement conference may or may not deliver this benefit.
4. The arbitration award may not be disclosed to the assigned trial judge until the action is terminated. Although the award is not admissible at a trial *de novo*, recorded communications made during the arbitration may be admissible for limited purposes.
5. Mediation may deliver this benefit, but it focuses primarily on settlement.
6. Depending on the subject of the dispute, the neutral may have expertise.
7. This benefit may result if the parties participate actively in the joint session.